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PART III—SECTION 3

Notifications relating to Minor Administrations

GOVERNMENT OF KUTCH

NOTIFICATIONS

Bhuj, the 20th April 1955

No. S-180/54—The Comptroller, Saurashtra, Rajkot having certified his title to leave, the Chief Commissioner for Kutch is pleased to sanction earned leave for 45 days with effect from 20th April 1955 to 3rd June 1955 (both days inclusive) to Shri M. G. Jadeja, Dy. Superintendent of Police, Eastern Division, Kutch.

By order

S. B. PATIL

*Secretary to the Chief
Commissioner for Kutch*

Bhuj, the 20th April 1955

No. S-29/55—The Chief Commissioner for Kutch is pleased to order the following transfers of Mamlatdars in the Revenue Department with immediate effect:—

- (1) Shri D. L. Vaidya, Mamlatdar, Bhuj to be Mamlatdar, Bhachau.
- (2) Shri N. B. Pathak, Head Clerk, Collector's Office to be Mamlatdar, Bhuj.
- (3) Shri B. L. Mulchandani, Mamlatdar, Anjar to be Head Clerk, Collector's Office.
- (4) Shri R. V. Thacker, Mamlatdar, Mundra, to be Mamlatdar, Anjar.
- (5) Shri P. K. Thakkar, Mamlatdar, Jaghirdari Abolition Branch to be Mamlatdar, Mundra.

By order

S. B. PATIL

*Secretary to the Chief
Commissioner for Kutch*

Bhuj, the April 1955

No. S-64/55—The Comptroller, Saurashtra, Rajkot having certified his title to leave, the Chief Commissioner for Kutch has been pleased to grant Shri J. J. Nanavaty, Director of Education, Kutch earned leave for 30 days with effect from 9th May 1955 to 7th June 1955 (both days inclusive) with permission to prefix Sunday the 8th May 1955.

2. Shri D. V. Thacker, Assistant Director of Education will hold the routine charge of the current duties of the post of Director of Education Kutch in addition to his own duties during the absence of Shri J. J. Nanavaty on leave.

By order

S. B. PATIL

*Secretary to the Chief
Commissioner for Kutch*

GOVERNMENT OF AJMER Legislative Assembly

The following report of the Select Committee on the Ajmer Abolition of Intermediaries and Land Reforms Bill, 1955 which was presented to the State Legislative Assembly on the 14th April 1955 is published under the 132 of the Ajmer State Legislative Assembly Rules.

Report of the Select Committee

The Select Committee to which the Ajmer Abolition of Intermediaries and Land Reforms Bill, 1955 was referred have considered the Bill clause by clause. The amendments recommended by the Committee are given in the list attached.

2. The Bill was published in the Gazette of India (Extraordinary), Part II, Section I, dated the 8th February 1955. The Select Committee do not think that the Bill has been so altered as to require re-publication under rule 130 of the Ajmer State Legislative Assembly Rules.

BRIJ MOHANLAL SHARMA, REVENUE MINISTER
(CHAIRMAN).
JETHMAL CHAUDHARY.
HIMMAT ALI.
KALYAN SINGH—Subject to a note of dissent.
CHHAGAN LAL GENA.
CHIMAN SINGH BHATI.
BHAGIRATH SINGH.

Ajmer

11th April 1955.

B. N. MATHUR
Assistant Secretary

List of amendments

1. Long title.
Omit the word "the" occurring between the words "for" and "abolition".
2. Substitute "right" for "rights".
3. Substitute "interest" for "interests".
4. Clause 2.
Substitute the following definition of "charitable purpose":—

(i) "charitable purpose" includes the relief of the poor, medical relief or the advancement of education or of any other object of general public utility, but does not include a purpose which relates exclusively to religious teaching, worship or service;

5. The definitions should begin with small letters and not with capital letters.

6. Substitute the following for the existing definition of "Estate":—

(v) "estate" has the same meaning as is assigned to that expression in the Ajmer Land and Revenue Regulation, 1877 (II of 1877), and includes a share in or a part of an estate and all rights in an estate, but does not include land held by a Bisweddar or a Khewatdar;

7. Omit the words "Biswedat" and "Khewatdar" wherever they occur.

8. Substitute the following for the existing definitions of "guzara" and "guzaradar":—

(vii) "guzara" means—

(a) a fixed cash annuity; or

(b) a specific area of land in an estate; granted by an intermediary for the maintenance of the younger members of his family or other relatives and dependents or for the maintenance of any place of religious worship and the expression "guzaradar" shall be construed accordingly.

9. Substitute the following for the existing definition of "intermediary":—

(viii) "intermediary" means a holder of an estate and includes:

(a) an Istimrardar

(b) a Non-Sanadi Istimrardar

(c) a Minor Istimrardar

(d) a Jagirdar

(e) a Bhoomia

(f) a Muafidar

(g) a Guzaredar holding any land in an estate granted to him as guzara

(h) a usufructury mortgagee of an estate;

10. Substitute the following for the existing x(c):—

(c) by servants on wages payable in cash or in kind but not by way of share of the produce; or

11. In x(d) the proviso should be started from the margin.

12. Omit the definition of "nominal jama" occurring at (xi), and the subsequent sub-clauses may be re-numbered.

13. In the new sub-clause (xi) add the letter "a" between the words "means" and "notification".

14. Substitute the following for the existing definition of "standard acre":—

(xvii) "standard acre" means:

(a) in the case of a chahi one land, one acre of such land,

(b) in the case of chahi two and talabi one land, one and a half acre of such land,

(c) in the case of chahi three, talabi two, abi one, gormia one and mal one land, two acres of such land,

(d) in the case of talabi three, abi two, gormia two and mal two land, three acres of such land,

(e) in the case of any other class of land, four acres of such land;

15. Omit dash occurring in the word "un-economic" in new sub-clause (xx).

16. Substitute the following for the existing definition of "under-proprietor":—

(xxi) "under proprietor" means a person—

(a) who holds land from any Istimrardar, Jagirdar or a Bhoomia in the Istimrari estate, Jagir or Bhoom, as the case may be, and

(b) who is recognised as a proprietor of such land and is recorded as an under-proprietor (Malik Adna) in the record of rights;

17. Insert Acts Nos. in new sub-clause (xxii) as follows:—

(XLII of 1950).

(II of 1877).

18. Insert Act No. in new sub-clause (xxiii) as follows:—

(XLII of 1950).

19. Substitute the following for the existing sub-clause (2):—

(xxiv) all other words and expressions used herein and not defined but defined in the Ajmer Tenancy and Land Records Act, 1950 (XLII of 1950) or the Ajmer Land and Revenue Regulation, 1877 (II of 1877) shall have the meaning respectively assigned to them in the said Act or Regulation.

20. Substitute "(2)" for "(3)" and substitute "1897" for "1898". Also insert "(X of 1897)" after "1897".

CHAPTER II

21. Clause 4.

Insert the letter "a" after the word "from" in third line of sub-clause (1).

22. The word "Government" should be added after the word "State" occurring for the second time in the fourth line, and in the seventh line.

23. The words "hereinafter called the date of vesting" should be bracketted.

24. Omit sub-clauses (2) and (3) and the brackets and No. "(1)".

25. Clause 5.

Substitute the letter "a" for the word "the" occurring in the end of the first line.

26. Omit "or part of an estate" in sub-clause (a) and also omit "or part thereof" in sub-clause (c).

27. Clause 6.

In (1) (a) after the word "person" in second line the following may be inserted:—

"not being a Biswedat".

28. In (1) (d) substitute "ten" for "10", and in sub-clause (f) substitute "(a)" for "(e)" in the second line, and "(of 1882)" after the figures 1882, may be inserted.

29. In 2(b) the following may be added at the end:—

"but notwithstanding anything contained in the Ajmer Tenancy and Land Records Act, 1950 (XLII of 1950), any such decree may be executed by attachment and sale of the property of the defaulter, other than any class of property referred to in clauses (a) to (c) of sub-section (1) of section 88 of the said Act;"

31. Clause 7.

In (1) (c) substitute "thereto" for "to" in the fifth line and "Bhuswami" for "Bhumidar" in the sixth line.

32. In sub-clause (2) substitute "order" for "orders".

33. Clause 8.

Substitute "on" for "no" and "1950" for "1952" occurring in first and second lines respectively.

CHAPTER III

34. Insert a new clause 11 as under:—

"11. Maintenance Allowance payable from compensation—(1) Where under any law or custom having the force of law a Guzadar is entitled to receive at the date of vesting a Guzara out of the income of any estate he shall be entitled to receive out of the compensation payable to the intermediary in respect of the estate such amount as the Compensation Commissioner may having regard to the matters specified in sub-section (2), determine.

(2) For the purpose of determining any amount under sub-section (1), the Compensation Commissioner shall have regard to the following matters, that is to say,—

(a) the amount of Guzara which the Guzaredar used to receive from the intermediary before the date of vesting;

(b) the net income of the intermediary from the estate immediately before the date of vesting;

(c) the net amount of compensation payable to the intermediary; and

(d) such other matters as may be prescribed.

35. On account of the insertion of new clause 11, the other clauses may be re-numbered.

36. Omit "Biswedari" and "Khewatdari" in the new clause 12(2) (iii).

Also insert the Act No. at the end of the sub-clause (4) of clause 12.

37. Clause 12.

Omit "and" after sub-clause (a) and insert "and" after sub-clause (b) and the following as sub-clause (c):

"(c) the amount payable from the compensation to a Guzaredar under section 11."

CHAPTER IV

Clause 15.

Substitute "fifteen" for "20".

38. Insert the following as sub-clause (2) and re-number the existing sub-clause (2) as (3):—

"(2) The amount determined under clause (c) of sub-section (1) of section 13 shall be deducted and paid annually to the persons entitled thereto, out of the annual instalment referred to in sub-section (1) and the remaining amount of the instalment shall be paid to the intermediary."

39. Insert the following as sub-clause (d) in the re-numbered sub-clause (3):—

"(d) an evacuee within the meaning of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), shall be paid to the Custodian."

40. In the re-numbered sub-clause (4) for "(1) and (2)" substitute "(2) and (3)".

41. Clause 17.

In (1) (i) for "1/12th" substitute "one-twelveth", and "15" for "14".

CHAPTER V

42. Clause 22 (New) Old Clause 21.

In the proviso to renumbered clause 22 for the words "Central Act" substitute "enactment". Also substitute "25" for "24".

43. In the proviso to renumbered clause 23 for the words "Central Act" substitute "enactment".

44. In the renumbered clause 24 old clause 23 insert "Government" after "State" in the sixth line and substitute "25" for "24", "22" for "21" and "23" for "22".

45. In clause 25 old clause 24 substitute "sections 22 to 24" for "sections 21 to 23" wherever they occur.

46. Insert "Ajmer" after the words "Judicial Commissioner" occurring in the third line in the sub-clause 4 of clause 24.

47. In sub-clause (4) of clause 25 for the words "binding on the tribunal" substitute "final".

CHAPTER VI

New Clause 26. Old Clause 25.

48. Insert the following as new clause 26:—

"26. Definitions.—In this Chapter, unless the context otherwise requires—

- (a) 'permissible limit' means an area of fifty standard acres; and
- (b) 'minimum area' means an area of eight standard acres."

49. Substitute the following as clause 27 for the existing clause 25:—

"(27) Application by intermediary for allotment of land for personal cultivation—(1) Every intermediary whose estate has been acquired under this Act shall within six months from the date of vesting apply to the Sub-Divisional Officer within whose jurisdiction the estate or a major portion of the land comprising the estate is situate, for the allotment to him of land for personal cultivation.

(2) An application under sub-section (1) shall be in such form as may be prescribed and shall contain the following particulars, namely:—

- (a) the description of the estate;
- (b) the date of vesting of the estate;
- (c) the total area of the estate under cultivation on the date of vesting;
- (d) the names of the co-sharers, Guzaredars and mortgagees, if any, in the estate and the extent of their interests;
- (e) the area of niji jot or khudkasht land under the personal cultivation of—
 - (i) the intermediary on the date of vesting,
 - (ii) a tenant for less than three agricultural years immediately preceding the date of vesting,
 - (iii) a tenant for three agricultural years or more immediately preceding the date of vesting;
- (f) where the area of niji jot or khudkasht land under the personal cultivation of the intermediary exceeds the permissible limit, the particulars of the land not exceeding such limit which he desires to retain for personal cultivation;
- (g) where the area of niji jot or khudkasht land under the personal cultivation of the intermediary is less than the minimum area, the particulars of the land which he requires for personal cultivation to make up the minimum area;
- (h) the area of cultivable wasteland available in each village included in the estate;
- (i) such other particulars as may be prescribed."

50. Clause 28 (original clause 26).

Substitute "27" for "25" in clause (1).

51. Substitute the following for existing clause (2):—

"(2) After making the enquiry referred to in sub-section (1), the Sub-Divisional Officer shall having regard to the provisions of this Chapter pass an order allotting to the intermediary such land for personal cultivation as may be specified in the order."

52. Omit "or a sub-tenant, as the case may be," occurring in the first and second lines and "or sub-tenant" occurring in the third and fourth lines of sub-clause (3) of clause 26 (renumbered as 28).

53. Clause 27 (renumbered as 29).

Substitute the following clause 29 for existing clause 27:—

"(29) Principles for regulating allotment of land to intermediary—(1) Every intermediary shall be allotted all niji jot or khudkasht land which he was cultivating personally in the previous agricultural year:

Provided that the area of the land so allotted shall not exceed the permissible limit.

(2) If at the date of vesting any intermediary has in his personal cultivation an area of niji jot or khudkasht land exceeding the permissible limit, he shall be entitled to select out of the total area in his personal cultivation any contiguous area of land, not exceeding the permissible limit, for being allotted to him, and the area in excess of the permissible limit shall be surrendered to the State Government:

Provided that where there is no such contiguous area, the intermediary shall be entitled to select such maximum compact area, the aggregate of which does not exceed the permissible limit.

(3) Every intermediary whose estate has been acquired under this Act and who at the date of vesting—

- (a) does not hold any land for personal cultivation; or
- (b) holds land for personal cultivation, whether as niji jot, khudkasht or as a tenancy holding anywhere in the State, and the total area so held by him is less than the minimum area,

shall be allotted so much area of land for personal cultivation as—

- (i) in a case falling under clause (a), is equal to the minimum area, and
- (ii) in a case falling under clause (b) is together with the area allotted under sub-section (1), equal to the minimum area:

Provided that the area of land allotted to any intermediary under this sub-section shall in no case exceed the area of the cultivated land in the estate held by him immediately before the date of vesting:

Provided further that if any land allotted to an intermediary under this sub-section is not cultivated personally by him within three years of the date of allotment, or ceases to be cultivated personally by him at any time thereafter, the Collector may, after holding such enquiry as may be prescribed and after giving the intermediary a reasonable opportunity of being heard, direct that the land shall be deemed to have reverted to the State Government and on any such direction being issued the intermediary shall hand over possession of the land to the Collector or to such other person as the Collector may direct.

(4) For the purposes of sub-section (3), the following categories of land shall be allotted in the order mentioned below, namely:—

- (i) niji jot land exceeding the minimum area in possession of a tenant for less than three years on the date of vesting to the extent of such excess;
- (ii) niji jot land not exceeding the minimum area in possession of a tenant for less than three years on the date of vesting;
- (iii) any available culturable land in a village included in the estate or elsewhere:

Provided that where there are two or more tenants falling under sub-clause (i) or sub-clause (ii), as the case may be, the land belonging to the tenant who is in possession for a lesser period on the date of vesting shall be allotted to the intermediary:

Provided further that where two or more such tenants have been in possession of any land for the same period, the land to be allotted to the intermediary shall be taken from each such tenant in proportion to his holding.

(5) Where any land is allotted to an intermediary from the holding of a tenant under this section, the State Government may grant to such tenant in lieu of the land so taken from him, other available culturable land of equal area computed in terms of standard acres and such land shall be held by the tenant as Bhuswami thereof."

54. Original Clause 28 (Renumbered clause 30).

Substitute the following for original clause 28:—

"30. Tenure of land allotted to intermediaries for personal cultivation—(1) All land allotted to an intermediary under section 29 other than land of the nature referred to in sub-clause (iv) of section 23 of the Ajmer Tenancy and Land Records Act, 1950 (XLII of 1950), shall be held by the intermediary as Bhuswami thereof.

(2) All land allotted to an intermediary under section 29 of the nature referred to in sub-clause (iv) of section 23 of the Ajmer Tenancy and Land Records Act, 1950 (XLII of 1950), shall be held by the intermediary as Kashtkar thereof."

55. *Clause 29 (Renumbered Clause 31).*

Substitute the following for the original clause 29:—

"31. *Status of other persons holding land*—(1) Every person holding land in any estate who at the date of vesting is entered in the record of rights as a rent free grantee, a grantee at a favourable rate of rent, an ex-proprietary, an occupancy or a hereditary tenant, shall as from the said date hold such land other than land which has been in possession of a sub-tenant on the said date for a period of three years or more, as a Bhuswami thereof.

(2) Every sub-tenant of land referred to in sub-section (1) shall as from the date of vesting hold such land as Bhuswami thereof.

(3) Every tenant of niji jot or khudkasht land shall as from the date of vesting hold such land except the land of the nature referred to in sub-clauses (iv) and (v) of section 23 of the Ajmer Tenancy and Land Records Act, 1950 (XLII of 1950) and the land allotted to an intermediary under sub-section (3) of section 29, as a Bhuswami thereof.

(4) All tenants and sub-tenants other than those mentioned in the foregoing provisions of this section shall hold land as Kashtkars."

56. *New section 32 after original section 29.*

The following shall be inserted as a new section 32 after the original clause 29, renumbered as 31:—

"32. *Revenue payable by Bhuswamis and Kashtkars*—(1) All Bhuswamis and Kashtkars shall hold land directly from the State Government.

(2) Every Bhuswami shall be liable to pay revenue to the State Government assessed at the village rates fixed for ex-proprietary tenants at the last rent-rate operations on the basis of one-eighth of the produce of the holding.

(3) Every Kashtkar shall be liable to pay revenue to the State Government assessed at the village rates fixed for hereditary tenants at the last rent-rate operations, on the basis of one-fifth of the produce of the holding."

57. *Original clause 30.*

Original clause 30 renumbered as 33.

Substitute the following for the existing sub-clause (2):—

"(2) No Bhuswami shall have a right to transfer by sale or gift any land—

(i) where as a result of the transfer the holding of the Bhuswami would be reduced to less than the minimum area;

(ii) to any person, other than an institution established for a charitable purpose or a co-operative farm, where the land proposed to be transferred together with the land already held by such person and any member of his family as Bhuswami would in the aggregate exceed thirty standard acres."

Substitute the following for the existing Explanation:—

"*Explanation*—For the purposes of this section the members of the family of a person shall mean—

(a) the wife or husband, as the case may be;

(b) his minor children; and

(c) where the person is a minor, his parents."

58. *Original clause 31 and new clause 34.*

Substitute the following for original clause 31:—

"34. *Priorities in case of sale by Bhuswami*—(1) Where a Bhuswami wants to transfer by sale any land comprised in his holding he shall offer it for sale in the prescribed manner—

(a) first to the tenant of such land;

(b) next to a co-operative farm in the village;

(c) next to a co-sharer in the holding;

(d) next to an institution established in the village for a charitable purpose;

(e) next to an agriculturist holding land or residing in the village; and

(f) lastly to any other person.

(2) If any dispute arises in respect of any matter under sub-section (1) it shall be referred to the Collector whose decision thereon shall be final."

59. *Original clause 32.*

Original clause 32 renumbered as 35 will remain as it is. The following proviso be added to this clause:

"Provided that no such permission shall be given in the case of transfer by lease."

60. Add the following new clause 36 after the existing clause 32:—

"36. *Biswedars*—Every person holding land as a Bisweddar in any Jagir land shall as from the date of vesting hold such land directly from the State Government on the same terms and conditions which are applicable to land held by a Khewatdar."

61. *Original clause 35.*

Substitute the following for the heading and sub-clause (1):—

"37. *Restrictions on letting and subletting*—(1) Subject to the provisions of this Act no Bhuswami shall let the whole or any part of his holding for a term of less than five years at a time."

Sub-clause (2) remains as it is.

Following be substituted for sub-clause (3):—

"(3) Nothing in this section shall apply to—

(a) a female;

(b) a minor, during his minority;

(c) a lunatic or an idiot;

(d) a person suffering from any physical disability so long as the disability continues;

(e) a member of the armed forces until he is discharged or retires from service;

(f) a person confined in a prison, during the period of such confinement."

Delete sub-clauses (4) and (5) (i) and (ii).

The following new sub-clause be added:—

"(4) If any question arises whether a person is excluded from the operation of sub-section (1) or sub-section (2), by virtue of sub-section (3) it shall be referred to the Sub-Divisional Officer who shall after holding such inquiry as he deems fit determine such question."

62. *New Section 38.*

38. *Maximum Rent*—Notwithstanding any agreement, usage, decree or order of a court or any law for the time being in force, the maximum rent payable by a tenant in respect of the land leased to him shall not exceed one and a half times the revenue payable in respect of such land.

63. The following new clause 39 be added after new clause 38.

"39. *Determination of rent*—The rent payable by a tenant shall be—

(a) where the rent is fixed by an agreement in writing the rent so agreed upon, so, however, that it shall not exceed the maximum limit specified in section 38;

(b) where there is no such agreement an amount equal to one and a half times the revenue payable to the Government in respect of the land leased to the tenant."

64. The following new clause 40 be substituted in place of the original sub-clause (5) (iii) of original clause 35:—

"40. *Termination of tenancy*—No tenancy shall be terminated except in accordance with the provisions of this Act or except on any of the following grounds, namely:—

(a) that the lessee has failed to pay the rent for the year within fifteen days of the date fixed for the payment of the last instalment of revenue by the lessor;

(b) that the lessee has done any act which is destructive of or permanently injurious to land;

(c) that the lessee has further sublet the land or failed to cultivate the land personally;

(d) that the lessee has used such land for a purpose other than agriculture;

(e) that the term of the lease has expired by efflux of time;

(f) that the land is required for the personal cultivation of the lessor.

(2) A Bhuswami to whom any land has been allotted for personal cultivation under sub-sections (3) and (4) of section 29 may eject any tenant from such land."

65. Substitute the following as clause 41 after new clause 40:—

"41. *Restoration of possession of land on failure to cultivate land personally*—(1) Where a Bhuswami who has

taken possession of any land by ejecting any tenant therefrom on the ground that he requires the land for personal cultivation fails to cultivate such land personally within one year from the date on which he took possession thereof or ceases to cultivate such land personally in any year during the period of five years next following, the tenant may make an application to the Sub-Divisional Officer for restoration of such land to him.

(2) On receipt of an application under sub-section (1), the Sub-Divisional Officer after giving to the Bhuswami concerned an opportunity of being heard and after holding such enquiry as may deem fit, may restore possession of such land to the tenant."

66. Insert the following as clause 42 after the new clause 41:—

"42. Division of holding of Bhuswami—(1) Any person recorded in the village paper as a co-sharer in the holding of a Bhuswami may apply in the prescribed form to the Sub-Divisional Officer for a division of the holding:

Provided that no such application shall be entertained if as a result of the division, the share of any co-sharer in the holding would be reduced to less than the minimum area.

(2) Where any holding of Bhuswami is divided under sub-section (1), the order making the division shall specify the revenue payable in respect of each divided portion of the holding."

67. Original clause 34.

Renumber original clause 34 as clause 43.

In original clause 34 substitute the word "Chapter" for the word "Act" in the second line. In the heading add the word "Certain" before the word "Transfers".

68. Original clause 33.

Renumber this clause as 44.

In the heading and in the third line for the word "Act" substitute the word "Chapter".

In the heading substitute "consequences" for "consequent".

69. Original clause 36.

Take the original clause 36 after clause No 56.

Substitute the following for this clause:—

Entries in record of rights conclusive—Every entry in the record of rights shall, for the purposes of this Act be presumed to be correct.

In the proviso add "(XLII of 1950)" after the words "1950" in the fourth line.

70. Original clause 37.

Give the heading "Saving" to this clause and renumber it as 45.

CHAPTER VII

71. The heading of the Chapter should be "Co-operative Farms" and not Co-operative Farm".

72. Amendment of original clause 38—Put the Number of the Act in the fifth line after the figure "1912".

Read Clause 38 as 46 and renumber subsequent clauses in this chapter accordingly.

73. Amendment to original clause 40.

In original clause 40, renumbered as 48, put the Number of the Act after the figure "1912".

74. Amendment of clause 41, renumbered as 49.

In the first line, for the figure "40" substitute "48".

75. Amendment of clause 42, renumbered as 50.

In the third line for the figure "39" substitute "47".

76. Amendment of clause 44, renumbered as 52.

In the second line, for the figure 43, substitute 51 and put the number of the Act after the figure "1912".

77. Amendment of clause 45, renumbered as 53.

In the second line, substitute "52" for "44" and in the last line, substitute "49" for "41".

78. Amendment of clause 46, renumbered as 54.

In the third line, substitute "48" for "40", "52" for "44" and put the Number of the Act after the figure "1912".

79. Amendment of clause 47, renumbered as 55.

In the second line for the figure "39", substitute "47" and for the figure "42" substitute "50", and in the last line at the end, put the number of the Act.

In the second line substitute the word "by" for the word "with".

80. Amendment of clause 51, renumbered as 59.

In the last line of this clause, for the figure "41", substitute "49" and for the figure "45" substitute "53".

81. Amendment of clause 52, renumbered as 60.

In the last line of sub-clause (1) of this clause, for the words "by the firm" the words "in the bye-laws of the farm" be substituted.

82. Amendment of clause 53, renumbered as 61.

Give the marginal heading "Termination of tenancy in certain cases" to section 53.

In the third line of the same clause for the figure "41" substitute "49" and for the figure "45" substitute "53".

83. For the words "a sub-tenant, the sub-tenancy" the words "a tenant, the tenancy" be substituted in clause 53, renumbered as 61.

CHAPTER VIII

84. In the Miscellaneous Part, for "VII" substitute "VIII".

85. After original clause 56, renumbered as 64, insert original clause 33 as re-drafted together with the original proviso and renumber this as clause 65 as follows:—

86. "65. Entries in record of rights conclusive—Every entry in the record of rights shall for the purposes of this Act be presumed to be correct:

Provided that any modification, alteration or correction made in the record of rights, whether before or after the date of vesting, under the provisions of the Ajmer Tenancy and Land Records Act, 1950 (XLII of 1950), or as a consequence of any decree or order of any court, shall be taken into account by the Compensation Officer."

87. For original clauses 57, 58 and 59, substitute the following and renumber it as 66:—

"66. Appeals—(1) Any person aggrieved by an order of a Sub-Divisional Officer under this Act, may, within thirty days from the date of communication of such order to him, appeal to the Collector, whose decision thereon shall be final.

(2) Any person aggrieved by an order of the Collector under this Act, (not being an order made in appeal under sub-section (1)) may within thirty days from the date of the communication of such order to him, appeal to the Chief Commissioner, whose decision thereon shall be final.

(3) The State Government or any person aggrieved by an order of the Compensation Commissioner under this Act may within ninety days from the date of communication of such order, appeal to the Judicial Commissioner, Ajmer, whose decision thereon shall be final.

(4) The provisions of sections 5 and 12 of the Indian Limitation Act, 1908 (IX of 1908), shall apply to appeals under this section."

88. Insert the following as new clause 67 after new clause 66:—

"67. Court fees—(1) The court fees payable on a memorandum of appeal to the Collector under sub-section (1) of section 66 shall be one rupee.

(2) The court fee payable on a memorandum of appeal to the Chief Commissioner under sub-section (2) of section 66 shall be five rupees.

(3) The court fee payable on a memorandum of appeal to the Judicial Commissioner, under sub-section (3) of section 66 shall be five rupees."

89. Original clause 60 be renumbered as clause 68 and it should be redrafted as under:—

"68. Delegation of power—The State Government may, subject to such restrictions and conditions as it may impose, by notification in the official Gazette, delegate to any officer or authority subordinate to it, any of the powers conferred on it by this Act."

90. Amendment of clause 61 renumbered as 69.

Put the number of the Act as follows:—

(V of 1908).

91. Subsequent sections be renumbered accordingly.

92. Amendment of original clause 62, renumbered as 70

In the heading for the word "Powers" substitute the word "Power".

93. Amendment of original section 63, renumbered as 71.

94. Put the Number of the Act in the last line.

95. Amendment of clause 64, renumbered as 72.

96. Put the Number of the Act in the last line

97. Amendment of sub-clause (2) of original clause 75, renumbered as 83.

For the figure "56" substitute "84" and for "57" substitute "66".

98. Amendment of original clause 76, renumbered as 84.

In sub-clause (c) for the figure "11", the figure "12" be substituted.

99. After sub-clause (i) in the same clause, the following clause be inserted, namely,

"(j) the manner and the form in which offer of sale may be made under section 34;"

Renumber sub-clause (j) as (k).

100. In the Schedule, below the words "The Schedule" put "(See section 10)".

101. In the Explanation to para. 1 of the Schedule, for the figure "1952" substitute "1950".

102. In the Schedule in para 3, sub-clause (c), insert "grazing fees", after the word "tanks" in the third line.

103. In 3(d) omit "and grazing fees" in the first line.

104. In 4(a) omit "chaukidari dues" and read "case" for "cause".

105. Substitute "twenty" for "20".

106. Substitute para 5 as per list.

For the existing para 5 to the schedule substitute the following:

No.	Categories of the intermediaries according to net annual income.	Multiple of net annual income
1	2	3
1	Where the net annual income does not exceed Rs. 250/-.	16 times of such net annual income.
2	Where the net annual income exceeds Rs. 250/- but does not exceed Rs. 500/-.	The total amount equal to 16 times of the first Rs. 250/- and 15 times of the remaining net annual income in excess of Rs. 250/-.
3	Where the net annual income exceeds Rs. 500/- but does not exceed Rs. 1,000/-.	The total amount equal to 16 times of the first Rs. 250/-, plus 15 times of the next Rs. 250/-, and plus 14 times of the remaining net annual income in excess of Rs. 500/-.
4	Where the net annual income exceeds Rs. 1,000/- but does not exceed Rs. 2,000/-.	The total amount equal to 16 times of the first Rs. 250/-, plus 15 times of the next Rs. 250/-, plus 14 times of the next Rs. 500/-, and plus 13 times of the remaining net annual income in excess of Rs. 1,000/-.
5	Where the net annual income exceeds Rs. 2,000/- but does not exceed Rs. 5,000/-.	The total amount equal to 16 times of the first Rs. 250/-, plus 15 times of the next Rs. 250/-, plus 14 times of the next Rs. 500/-, plus 13 times of the next Rs. 1,000/-, and plus 12 times of the remaining net annual income in excess of Rs. 2,000/-.
6	Where the net annual income exceeds Rs. 5,000/- but does not exceed Rs. 10,000/-.	The total amount equal to 16 times of the first Rs. 250/-, plus 15 times of the next Rs. 250/-, plus 14 times of the next Rs. 500/-, plus 13 times of the next Rs. 1,000/-, plus 12 times of the next Rs. 3,000/-, and plus 10 times of the remaining net annual income in excess of Rs. 5,000/-.
7	Where the net annual income exceeds Rs. 10,000/- but does not exceed Rs. 30,000/-.	The total amount equal to 16 times of the first Rs. 250/-, plus 15 times of the next Rs. 250/-, plus 14 times of the next Rs. 500/-, plus 13 times of the next Rs. 1,000/-, plus 12 times of the next Rs. 3,000/-, plus 10 times of the next Rs. 5,000/-, and plus 8 times of the remaining net annual income in excess of Rs. 10,000/-.
8	Where the net annual income exceeds Rs. 30,000/-.	The total amount equal to 16 times of the first Rs. 250/-, plus 15 times of the next Rs. 250/-, plus 14 times of the next Rs. 500/-, plus 13 times of the next Rs. 1,000/-, plus 12 times of the next Rs. 3,000/-, plus 10 times of the next Rs. 5,000/-, plus 8 times of the next Rs. 20,000/- and plus 6 times of the remaining net annual income in excess of Rs. 30,000/-.

Note of dissent on the report of the Select Committee on the Ajmer Abolition of Intermediaries and Land Reforms Bill, 1955

BY

SHRI KALYAN SINGH, M.L.A.

I deem it my duty to bring to the notice of the House through this dissent note, the highly improper procedure adopted during Select Committee proceedings. While the Bill has been under consideration of the Committee, the proceeding should have been secret and confidential among the Committee members and the Secretary, but actually the same were not only released to the Govt Secretariat but actually the Select Committee deliberations, while yet pending, were taken to Congress party representatives and the Central Government authorities by and under instructions of the Chairman himself.

2. Again it was requested during sittings that the provisions of the Bill which were redrafted at the request of the Committee upon an altered principle, should be supplied to members some time in advance before they were discussed in the Committee. However this was never done.

3. Some of the final decisions of the Committee were altered in the last meeting of the Committee, which was clandestinely and hurriedly held illegally, as myself and other members of the Committee were not even informed about the said meeting. In fact the notice was issued only a day prior to the day of the meeting, at a time when the House stood adjourned for more than 7 days, and most members had returned to their headquarters, thus it was impossible to serve them with the notice till after the meeting was actually held. Therefore, in the absence of some important members, the Chairman forced his minority view on this occasion and even altered previous majority decisions of the Committee.

4. Lastly the minutes of the Select Committee show that the Committee never decided that the Bill should not be re-published. The inclusion of remarks to this effect in the Report is not based on the Committee decision. Looking to the copious changes made in the Bill on principle and in draft, it is not possible even to read it in the amended form without spending one whole day in making insertions in the original draft. This would be apparent from the following list of important changes made in the Bill:—

- Clause 2 of the Bill has been so altered that it needs striking out about 17 lines at about 25 different places, and needs insertion of about 19 new lines at more than 20 different places.
- Striking out Biswedars and Khewatdars from the definition of Intermediaries introduces a major change in the policy of the Bill.
- Clause 4 has been amended at 4 places.
- Similarly basic and linguistically complicated alterations have been made in clauses 6, 8, 15, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 58, 59, 60, 84 and the Schedule. Most of these sections have been totally cancelled and basically redrafted and resubstituted while a number of new sections have been added.
- Thus in effect on average 50 per cent of the original Bill has been completely altered in principle and shape.

Under these circumstances I deem it imperative that the Bill of such importance must be republished for general information of the electorate. In important matters like this, I feel that undue hurry basically destroys the democratic procedure. There is no justification for so stifling the democratic procedure in the present case, when the Government has itself been guilty of enormous delay in introducing the Bill.

5. The provisions of the Bill as hurriedly and finally reported by the Select Committee are still full of indiscretions, inaccuracies, defects of drafting and legal inequities. I will however not here detail them all, as I would be drawing attention to most of them during consideration of the Bill by way of amendments.

6. At present, through this dissent note, I only request the House not to take things with complacency, against which crime Pt. Nehru recently advised us in one of his public speeches, and I caution the House to carefully examine the Bill which is interspersed in important places with inaccuracies which show carelessness and disregard for legislative responsibility.

KALYAN SINGH

Ajmer, the 21st April 1955

No. 4/17/53-LA—The following Bill was introduced in the Ajmer State Legislative Assembly on 21st April 1955.

The Bill has received the recommendation of the Chief Commissioner under section 24 of the Government of Part C States Act, 1951.

BILL No. 5 OF 1955

THE AJMER ENTERTAINMENTS TAX (AMENDMENT) BILL, 1955

A

BILL

to amend the Ajmer Entertainments Tax Act, 1953

Be it enacted by the Legislative Assembly of the State of Ajmer in the Sixth Year of the Republic of India as follows:—

1. *Short title and commencement*—(1) This Act may be called the Ajmer Entertainments Tax (Amendment) Act, 1955.

(2) It shall come into force at once.

2. *Interpretation*—(1) In this Act, "Principal Act" means the Ajmer Entertainments Tax Act, 1953 (X of 1953).

(2) The General Clauses Act, 1897 (X of 1897) applies for the interpretation of this Act, as it applies for the interpretation of a Central Act.

3. *Amendment of Section 2, Ajmer Act X of 1953*—In Sub-Section (1) of Section 2 of the principal Act, clause (f) shall be omitted.

4. *Amendment of Section 3, Ajmer Act X of 1953*—In section 3 of the principal Act—

- (i) to sub-section (1) the following proviso shall be added, namely:—

“Provided that no such tax shall be levied and paid in respect of any payment for admission to an entertainment which does not exceed one anna and nine pies.”

- (ii) after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) In the determination of the amount of tax a fraction of a pice less than two pices shall be disregarded and a fraction of a pice equal to or exceeding two pices shall be regarded as one pice.”

5. *Amendment of section 4, Ajmer Act X of 1953*—In section 4 of the principal Act—

- (i) in sub-section (2) for the word “prescribe” the word “impose” shall be substituted;
- (ii) after sub-section (3), the following “Explanation” shall be added, namely:—

“Explanation—For the purposes of this section the proprietor shall be deemed to have received from any person who is admitted to an entertainment either free of charge or at a reduced rate the amount (including the entertainments tax) which such person would have been liable to pay had he been admitted on full payment to the class to which he is actually admitted.”

6. *Amendment of section 13, Ajmer Act X of 1953*—In section 13 of the Principal Act, in sub-section (1) after clause (H), the following clause shall be inserted, namely:—

“for the refund of entertainments tax”.

Notes on Clauses

The Bill is intended to overcome certain difficulties which have been experienced in the administration of the Act. The following Notes on Clauses explain the amendments which are proposed to be made:—

Clause 3—The definition of “prescribed” in section 2(1) of the principal Act has been omitted as being unnecessary.

Clause 4—It has been provided that no tax shall be payable where the payment for admission to an entertainment does not exceed one anna and nine pices. Provision has also been made for the manner in which a fraction of a pice may be calculated in the determination of the amount of tax payable.

Clause 5—This clause makes some clarificatory amendments in section 4 of the principal Act.

Clause 6—Section 13 of the principal Act is being amended so as to empower the State Government to make rules regarding the refund of entertainments tax which may have been erroneously paid or paid in excess.

B. K. KAUL

Minister-in-Charge

V. N. BHATIA

Deputy Secretary to Govt. of Ajmer

Ajmer, the 22nd April 1955

No. 1/6/55-LA—The following order by the Chief Commissioner, Ajmer, dated the 22nd April 1955, is published for general information:—

“In pursuance of clause (a) of sub-section (2) of section 9 of the Government of Part C States Act, 1951 (XLIX of 1951), I, M. K. Kriplani, Chief Commissioner, Ajmer, hereby prorogue the Legislative Assembly of the State of Ajmer with effect from the close of its meeting on 22nd April 1955.

M. K. KRIPLANI

*Chief Commissioner
Ajmer*

B. N. MATHUR

Assistant Secretary

Revenue Department

Ajmer, the 22nd April 1955

No. 2/23/54-Rev.(Forest)—Shri D. P. Nagdeo appointed temporarily as Chief Forest Officer, Ajmer vide Revenue Department Notification No. 2/5/54-Rev.(Forest) dated the 1st February 1954 is reverted as Assistant Conservatory Forest Officer, Ajmer with effect from the 1st March 1954.

2. Shri Nagdeo will hold charge of the current duties till the post of Chief Forest Officer, Ajmer, is filled in.

By order

A. SEN, I.A.S.

Chief Secretary

